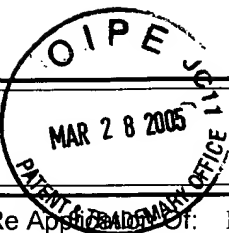


72



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
112300-898

In Re Application Of: **Baerlocher et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/933,843	August 20, 2001	Binh An Duc Nguyen	29159	3713	9181

Title: **GAMING DEVICE HAVING AWARD MODIFICATION OPTIONS FOR PLAYER SELECTABLE AWARD DIGITS**

COMMISSIONER FOR PATENTS:

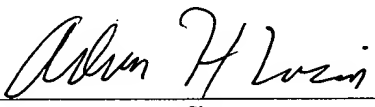
Transmitted herewith is:

Transmittal Letter in duplicate; Petition for Withdrawal of Any Abandonment of Application and Request for Prompt Examination of Application on 2 pages; copy of stamped return postcard; copy of Amendment transmittal letter; copy of Response to Office Action on 12 pages; and return receipt postcard.

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below.
 - ☐ Charge the amount of _____
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 - ☒ Charge any additional fee required.
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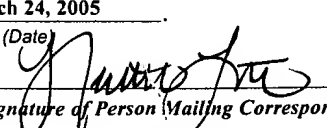
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Signature

Adam H. Masia (Reg. No. 35,602)
Bell Boyd & Lloyd
P.O. Box 1135
Chicago, Illinois 60690
312.807.4284

Dated: **March 24, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on March 24, 2005	
(Date)	
Signature of Person Mailing Correspondence	
Heather Foster	
Typed or Printed Name of Person Mailing Correspondence	

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baerlocher et al.
Appl. No.: 09/933,843
Conf. No.: 9181
Filed: August 20, 2001
Title: GAMING DEVICE HAVING AWARD MODIFICATION OPTIONS FOR
PLAYER SELECTABLE AWARD DIGITS
Art Unit: 3713
Examiner: Binh An Duc Nguyen
Docket No.: 0112300-898

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF ANY ABANDONMENT OF APPLICATION AND
REQUEST FOR PROMPT EXAMINATION OF APPLICATION**

Sir:

In a telephone conversation with Xuan Thia of the Patent Office on March 3, 2005, Applicants were informed that the Patent Office did not have the Response to Non-Compliant Amendment filed on April 7, 2004 and that the status of the above-identified patent application is abandoned. The following documents, copies of which are provided herewith, establish that Applicants fully replied to the Notice of Non-Compliant Amendment mailed March 22, 2004 and that the Patent Office received this Response.


1. A copy of the Amendment Transmittal Letter dated April 7, 2004.
2. A copy of the Response to Office Action dated April 7, 2004.
3. A copy of stamped, returned postcard acknowledging receipt of Items Number 1 and 2 by the U.S. Patent Office on April 12, 2004.

Thus, Applicants request that any abandonment of this application be withdrawn and that this application be promptly examined. Applicants believe that no fee is due for this petition because the Response to Non-Compliant Amendment was timely mailed to and received by the Patent Office as indicated by the postcard (item 3 above). However, please charge Deposit Account No. 02-1818 for any petition fee or other fees due in connection with the revival of this patent application.

Applicants look forward to early and favorable consideration of this matter.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Adam H. Masia

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Chicago, Illinois 60690-1135

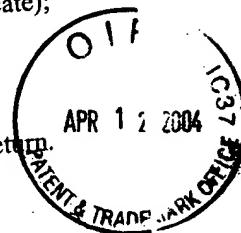
Phone: (312) 807-4284

Dated: March 24, 2005



In re Patent Application of: Baerlocher et al.
**GAMING DEVICE HAVING AWARD MODIFICATION
OPTIONS FOR PLAYER SELECTABLE AWARD DIGITS**
Serial No.: 09/933,843 Filing Date: August 20, 2001
Docket No.: 0112300-898
On the date stamped hereon the U.S. Patent and Trademark
Office hereby acknowledges receipt of the following:

1. Amendment Transmittal Letter (1 page in duplicate);
2. Response to Office Action (12 pages);
3. Check in the amount of \$86.00.
4. Postcard which we ask you to date stamp and return.



Mailed: April 7, 2004 AHM

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DOCKET # _____

AMENDMENT TRANSMITTAL LETTER (Large Entity)Applicant(s): **Baclocher et al.**

Docket No.

112300-898

Serial No.

09/933,843**MAR 28 2005**

Filing Date

August 20, 2001

Examiner

Binh An Duc Nguyen

Group Art Unit

3713

Invention: **GAMING DEVICE HAVING AWARD MODIFICATION OPTIONS FOR PLAYER
SELECTABLE AWARD DIGITS**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	31 -	31 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	6 -	5 =	1 x	\$86.00	\$86.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$86.00

- ☐ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☒ A check in the amount of **\$86.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **02-1818**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.



Signature

Dated: **April 7, 2004**

Adam H. Masia, Reg. No. 35,602
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, IL 60690-1135
(312) 807-4284

I certify that this document and fee is being deposited on
April 7, 2004 with the U.S. Postal Service as first
class mail under 37C.F.R. 1.8 and is addressed to the
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Signature of Person Mailing Correspondence

Renee Street

Typed or Printed Name of Person Mailing Correspondence

CC:

Appl. No. 09/933,843

Response to Office Action of March 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baerlocher et al.
Appl. No.: 09/933,843
Conf. No.: 9181
Filed: August 20, 2001
Title: GAMING DEVICE HAVING AWARD MODIFICATION OPTIONS FOR
PLAYER SELECTABLE AWARD DIGITS
Art Unit: 3713
Examiner: Binh An Duc Nguyen
Docket No.: 0112300-898

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action dated March 22, 2004, please enter this
Response in the above identified patent application.

Remarks begin on page 10 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (previously presented): A gaming device comprising:

a display device;

an original award having a plurality of digits displayed by the display device, said original award resulting from a gaming event played by a player and wherein the digits indicate an amount of the original award;

a plurality of different award modification methods, wherein one of the award modification methods individually adds a digit to the digits of the original award; and

a processor which communicates with the display device, which determines whether to modify said original award and if the determination is made to modify said original award (a) selects one of the plurality of different award modifications methods, (b) causes said selected award modification method to modify said digits of the original award, (c) causes the display device to display said modified digits and (d) provides a modified award to a player wherein the modified digits indicate the amount of the modified award.

Claim 2 (previously presented): The gaming device of Claim 1, wherein one of said different award modification methods includes a rearrangement of said digits of said original award .

Claim 3 (previously presented): The gaming device of Claim 1, which includes a modify input which communicates with the processor, wherein the determination of whether to modify said original award is based on a player's selection of the modify input.

Claim 4 (previously presented): The gaming device of Claim 1, wherein the processor determines to modify said original award when an expected value associated with the digits in the original award exceeds the original award.

Claim 5 (previously presented): The gaming device of Claim 1, wherein the processor randomly determines to modify said original award based on a probability stored in a memory device accessed by the processor.

Claim 6 (withdrawn): The gaming device of Claim 1, wherein the gaming event includes a plurality of player selectable positions displayed by the display device, wherein the processor enables the player to select the positions, associates digits with the player's selection of the positions and determines the original award based on an order of the digits associated with the positions.

Claim 7 (withdrawn): The gaming device of Claim 1, wherein the gaming event includes a plurality of masked digits displayed by the display device, wherein the processor enables the player to arrange at least two of the masked digits in an order, and the original award is based on the order of the masked digits arranged by the player.

Claim 8 (withdrawn): The gaming device of Claim 1, wherein the gaming event includes a plurality of selections displayed by the display device, wherein the processor associates digits with said selections, and which enables a player to associate selections with a one's digit, a ten's digit and a hundred's digit of the original award provided to the player.

Claim 9 (withdrawn): A gaming device comprising:
a display device;

an original award having a plurality of digits displayed by the display device, said original award resulting from a gaming event played by a player and wherein the digits indicate an amount of the original award; and

a processor which communicates with the display device, which adds a new digit to the digits of the original award, displays a new award including said new digit and provides the new award to a player, wherein the digits of the original award and the new digit indicate the amount of the new award.

Claim 10 (withdrawn): The gaming device of Claim 9, wherein said addition of said digit is one of a plurality of modifiers of said digits.

Claim 11 (withdrawn): The gaming device of Claim 10, which includes a modify input which communicates with the processor, wherein the new digit is added to the original award upon a player's selection of the modify input.

Claim 12 (withdrawn): The gaming device of Claim 9, wherein the processor randomly determines to when add a new digit to the original award based on a probability stored in a memory device accessed by the processor.

Claim 13 (withdrawn): The gaming device of Claim 9, wherein the gaming event includes a plurality of player selectable positions displayed by the display device, wherein the processor enables the player to select the positions, associates digits with the player's selection of the positions and which determines the original award based on an order of the digits associated with the positions.

Claim 14 (withdrawn): The gaming device of Claim 9, wherein the gaming event includes a plurality of masked digits displayed by the display device, wherein the processor enables the player to arrange at least two of the masked digits in an order, and the original award is based on the order of the masked digits arranged by the player.

Claim 15 (withdrawn): The gaming device of Claim 9, wherein the gaming event includes a plurality of selections displayed by the display device, wherein the processor associates digits with said selections, and which enables a player to associate selections with a one's digit, a ten's digit and a hundred's digit of the original award provided to the player.

Claim 16 (withdrawn): A gaming device comprising:
a display device;
an original award having a plurality of digits displayed by the display device, said original award resulting from a gaming event played by a player and wherein the digits indicate an amount of the original award; and
a processor which communicates with the display device, which removes a digit from the digits of the original award, displays a new award without the removed digit and provides the new award to a player, wherein the digits of the original award with the digit removed indicate the amount of the new award.

Claim 17 (withdrawn): The gaming device of Claim 16, wherein said removal of said digit is one of a plurality of modifiers of said digits.

Claim 18 (withdrawn): The gaming device of Claim 17, which includes a modify input which communicates with the processor, wherein the digit is removed from the original award upon a player's selection of the modify input.

Claim 19 (withdrawn): The gaming device of Claim 16, wherein the processor randomly determines when to remove the digit from the original based on a probability stored in a memory device accessed by the processor.

Claim 20 (withdrawn): The gaming device of Claim 16, wherein the gaming event includes a plurality of player selectable positions displayed by the display device, wherein the processor enables the player to select the positions, associates digits with the player's selection of the positions and determines the original award based on an order of the digits associated with the positions.

Claim 21 (withdrawn): The gaming device of Claim 16, wherein the gaming event includes a plurality of masked digits displayed by the display device, wherein the processor enables the player to arrange at least two of the masked digits in an order, and the original award is based on the order of the masked digits arranged by the player.

Claim 22 (withdrawn): The gaming device of Claim 16, wherein the gaming event includes a plurality of selections displayed by the display device, wherein the processor associates digits with said selections, and which enables a player to associate selections with a one's digit, a ten's digit and a hundred's digit of the original award provided to the player.

Claim 23 (previously presented) A gaming device comprising:
a display device;
a processor that communicates with the display device;
an original award including a plurality of digits displayed by the display device,
said original award resulting from a gaming event played by a player and wherein the
digits indicate an amount of the original award;
a plurality of different award modification methods which are adapted to modify at
least one of the digits of the original award wherein one of the award modification
methods individually adds a digit to the digits of the original award; and
a player selectable modify input which communicates with the processor, an
activation of which initiates one of the award modification methods selected from the
plurality of award modification methods.

Claim 24 (previously presented): The gaming device of Claim 23, wherein one of
the award modification methods includes a rearrangement of the digits of the original
award, wherein the rearranged digits indicate an amount of a modified award.

Claim 25 (previously presented): The gaming device of Claim 23, wherein one of
the award modification methods includes an award regeneration from numbers used to
form the original award, wherein the regenerated numbers indicate an amount of a
modified award.

Claim 26 (previously presented): The gaming device of Claim 23, wherein one of
the award modification methods includes adding a digit to the original award, wherein
the digits of the original award and the new digit indicate an amount of a modified
award.

Claim 27 (previously presented): The gaming device of Claim 23, wherein one of the award modification methods includes removing a digit from the original award, wherein the digits of the original award with the digit removed indicate an amount of a modified award.

Claim 28 (previously presented): The gaming device of Claim 23, wherein one of the award modification methods includes multiplying the original award by a number, wherein a product of the multiplication results in a modified award.

Claim 29 (previously presented): A gaming device comprising:
a display device;
an original award including a plurality of digits displayed by the display device, said original award resulting from a gaming event played by a player and wherein the digits indicate an amount of the original award;
a plurality of different award modification methods which are adapted to modify at least one of the digits of the original award and wherein one of the award modification methods individually adds a digit to the digits of the original award; and
a processor that communicates with the display device and randomly initiates one of the modification methods selected from the plurality of modification methods.

Claim 30 (previously presented): A gaming device operated under the control of a controller, said gaming device comprising:

a display device;

an original award represented by a plurality of individual digits displayed by the display device, said original award resulting from a gaming event played by a player and wherein the digits indicate an amount of the original award; and

a final award provided to a player, said final award including a modification of the digits of the original award displayed by the display device, wherein the modified digits of the original award indicate an amount of the final award and wherein the modification method for modification of the original award is selected from a plurality of different award modification methods stored by the controller and including at least : a rearrangement of at least two of the digits of the original award, an addition of a digit to the digits of the original award, a removal of one of the digits of the original award, and a modification of at least one of the digits of the original award.

Claim 31 (previously presented): The gaming device of Claim 30, wherein the modification of the digits of the original award is randomly determined.

REMARKS

This Response is submitted in response to the Office Action dated March 22, 2004.

Claims 1 to 5 and 23 to 31 are currently pending in this application.

Claims 6 to 8 which depend from amended Claim 1 remain withdrawn. However, it is respectfully submitted that, since Claim 1 is now in condition for allowance for the reasons discussed below, Claims 6 to 8 should be considered.

Claims 9 to 22 remain withdrawn. Applicant will cancel such claims when the Examiner indicates the remaining claims are allowable.

Claims 25 to 28 which the Examiner indicated were withdrawn have been amended in accordance with Claim 23, and it is respectfully submitted that such claims should be examined

The Office Action alleges that the Applicants' reply filed on December 30, 2003, is not fully responsive to the prior Office Action dated July 30, 2003, because the amendment limitation of adding a digit to the digits of the original award as recited in Claims 1, 23 and 29 is drawn to a non-elected invention. Applicants respectfully submit that the Reply filed on December 30, 2003, is responsive for at least the reasons discussed below.

In response to the restriction requirement in the Office Action dated October 2, 2002, Applicants elected Species E, Figure 9 directed to rearrangement or modification of the original award as in originally filed Claims 1 to 8. Also, Claims 30 and 31 were added as generic claims to the species of Figures 9, 10, 11, 12 and 13.

Claims 1, 23 and 29 are still directed to a plurality of different award modification methods and are not directed to only specific modification methods as with the withdrawn claims. For example, Claim 1 is directed to a gaming device which includes a display device and an original award having a plurality of digits displayed by the display device. The original award results from a gaming event played by a player, and the digits indicate an amount of the original award. The gaming device also includes a

plurality of different award modification methods. One of the award modification methods individually adds a digit to the digits of the original award. The gaming device further includes a processor which communicates with the display device and determines whether to modify the original award. If the determination is made to modify the original award, the processor selects one of the plurality of different award modifications methods, causes the selected award modification method to modify the digits of the original award, causes the display device to display the modified digits, and provides a modified award to a player. The modified digits indicate the amount of the modified award provided to the player.

In contrast, withdrawn Claim 9, directed to a non-elected species of the invention, provides a gaming device which includes a processor which adds a new digit to the digits of the original award. The processor displays a new award including the new digit and provides the new award to a player. The digits of the original award and the new digit indicate the amount of the new award provided to the player. Claim 9, however, does not require a plurality of different award modification methods as in Claims 1, 23 and 29. Claim 9 is directed to the single concept of adding a digit to the award, thus the amendment limitation is not drawn to the non-elected invention because the non-elected invention must be taken as a whole.

Claims 1, 23 and 29 are generic claims directed to a generic invention which embrace limitations to more than one patentably distinct species and link a reasonable number of species in accordance with 37 CFR 1.141. Specifically, in response to the Office Action dated October 2, 2002, Applicants elected Species E of Figure 9 to which their claim will be restricted if no claim to the genus is found to be allowable. The elements of individually adding a digit to the digits of the original award defines one of the plurality of different award modification methods in the gaming devices of Claims 1, 23 and 29. Similarly, the gaming device of generic Claim 30 includes a modification method for modification of the original award to be selected from the plurality of different award modification methods stored by the controller and includes at least a rearrangement of at least two of the digits of the original award, an addition of a digit to the digits of the original award, a removal of one of the digits of the original award, and

a modification of at least one of the digits of the original award. Therefore, Applicants respectfully submit that Claims 1, 23 and 29 are generic claims in compliance with 37 CFR 1.141.


Accordingly, Applicants respectfully submit that Claims 1, 23 and 29 are directed to the subject matter of the elected claims which includes a plurality of different modification methods, and Claims 1, 23 and 29 are generic claims directed to the plurality of modification methods encompassing the species identified in the Office Action dated October 2, 2002.

If the Examiner does not agree with this Response, Applicants respectfully request that the Examiner contact the undersigned to discuss how to further proceed with this application.

An earnest endeavor has been made to place this application in condition for formal allowance and such action is courteously solicited.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 
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Chicago, Illinois 60690-1135
Phone: (312) 807-4284

Dated: April 7, 2004

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